

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, *Third Further Notice of Proposed Rulemaking*, FCC 08-230

Since the *Second Further Notice* adopted in May, we have received significant public input (including from the public safety community, wireless providers, and others), through filed comments, Congressional hearings, and the Commission's *en banc* hearing in New York. While parties differ on how we should get there, all agree that public safety continues to have a critical and unfulfilled need for a nationwide interoperable broadband network that will link first responders across geography, jurisdictions and departments.

Today's decision is a further notice and not a final action. It is the next step in our effort to provide our Nation's first responders with the broadband network they need and deserve. The proposals in the *Third Further Notice* provide substantial detail and specificity, including draft rules, which will allow potential bidders to fully assess what their obligations will be, and make fully informed determinations as to how the public-private partnership may fit their business plans. It attempts to strike the right balance between serving the communications needs of public safety and the need to ensure commercial viability of the partnership.

Let us be clear about what is at stake; without the partnership, there are no other viable tools for the Commission to ensure that this network can be built in a timely manner, with a maximum level of interoperability for use by all public safety entities small and large, rural and urban.

The overriding consideration in all of the proposals in the *Third Further Notice* is ensuring the maximum level of interoperability on a network that is built out to as many public safety entities as possible. In this respect, the *Further Notice* proposes to use the auction mechanism itself to select a single air interface, which is the best way to ensure full interoperability. While there is a valid use for bridges and gateways to connect disparate networks, without a single air interface full interoperability cannot be achieved.

With respect to the other commercial provisions of the item, I believe they balance the need to provide certainty and the desire to preserve sufficient flexibility. The proposal to reduce minimum opening bids during the auction for unsold regions in certain circumstances will ensure that the regional license sets have the maximum opportunity to overcome a national bid while maintaining the goal of maximizing the network's reach. The specific technical proposals add an additional layer of specificity that will allow detailed assessment by the potential commercial partners while providing enhanced network capabilities, coverage, hardening and resiliency to meet public safety's needs.

With respect to the questions and tentative conclusions related to the Public Safety Broadband Licensee, this *Third Further Notice* recognizes the critical role that the PSBL will play in the partnership while clarifying the Commission's expectations as to how the relationship with the D Block licensee should function. Further, the transparency, accountability, and conflict of interest provisions proposed will help assure public safety community that its needs are being fully represented as well as assuring the commercial D Block licensee(s) that the PSBL is focused and ready to serve as a positive partner with complimentary goals.

I remain committed to providing the public safety community with a clear path forward to achieving a nationwide interoperable broadband network. The public safety community has expressed its desire to have rules adopted by the end of the year, and we owe it to them to do everything within our power to resolve these issues swiftly.

I recognize that the current economic climate may be challenging. I would note that this further notice establishes the rules of the auction but it will be several months before it actually begins. In this notice we do not set forth a date for the auction, in fact, today we ask what the appropriate timing for starting such auction should be.

Moreover, we - - and more importantly public safety and the American people - - cannot afford to wait. In the seven years since 9/11 we have experienced enormously destructive hurricanes and tornadoes and deadly bridge collapses. Fortunately we have not experienced another terrorist attack. Simply put, we cannot afford to wait until we do.

Finally, it remains important to make the valuable natural resource of spectrum available to the marketplace in a timely manner. Having rules adopted promptly will also provide the commercial marketplace with certainty, and allow sufficient time for potential bidders to make plans and secure financing for the auction when it occurs.

I believe we must move forward and take another step closer to reaching the goal of a truly interoperable nationwide public safety network.

I thank my colleagues and the Bureaus for their work on this item, and am looking forward to hearing specific comment on the details we have proposed.